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EXAMINER	
CHANKONG, DOHM	

ART UNIT	PAPER NUMBER
2152	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

D

Office Action Summary	Application No.	Applicant(s)	
	09/785,385	JACOBUS, CHARLES J.	
	Examiner	Art Unit	
	Dohm Chankong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 August 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1> This action is in response to Applicant's arguments filed 8.9.2007. Claim 1 was amended to correct a grammatical error. Claims 1-23 are presented for further examination.

2> This is a final rejection.

Response to Arguments

3> Applicant argues that DeSimone does not teach permitting or inhibiting the distribution of a particular message based upon its content because it is the clients that dictate what the client wants. According to Applicant, the "question is whether DeSimone or the DeSimone/Waters combination teaches or suggests true content-based routing." In a decision rendered on 1.31.2007, the Board of Patent Appeals and Interferences answered that DeSimone did teach content-based routing.

In that decision, the Board found that DeSimone teaches distributing "messages to the clients based on the media type...which actually determines the content" [BPAI decision, pg. 5, ¶1]. Specifically, "the media types of DeSimone are the same as the claimed 'content' since the type of media determines what is in the messages to be sent" [BPAI decision, pg. 6, ¶1].

Applicant presents no additional arguments that were not already addressed and found unpersuasive by the Board decision. As such, Applicant's arguments filed on 8.9.2007 are not found persuasive. The claim rejections set forth in the previous action, filed 5.9.2007 are maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4> Claims 1, 3-9, 11, and 14-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeSimone et al. (U.S. Patent Number 6,138,144), hereinafter referred to as DeSimone, in view of Waters et al. (U.S. Patent Number 5,841,980), hereinafter referred to as Waters.

5> DeSimone disclosed a multicast capable IP network maintaining client terminals on a multimedia conference. In an analogous art, Waters disclosed a distributed communication network for multi-user applications. Just as with DeSimone's invention, Waters discussed the benefits of a multicast system and the usage of the Asynchronous Transfer Mode. See column 1, lines 44-62.

6> Concerning claims 1 and 11, DeSimone did not explicitly state that his system could utilize message culling or traffic adjustment means to reduce communications between client terminals and the cloud. However, Waters focuses on reducing the bandwidth loading of a multi-user application operating over a communication network. See column 5, lines 6-32. Waters's use of culling rules in this manner has been admitted by the applicant. See the specification, page 7, last paragraph. Since the inventions encompass the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to modify the system provided by DeSimone by adding the ability to implement message culling for reduced client-cloud communications as provided by Waters. This would make sense because it would provide a system such as DeSimone's with a more optimal interaction among its multiple users. See column 4, line 65 through column 5, line 3. This rationale also applies to those dependent claims utilizing the same combination.

7> Concerning claim 17, DeSimone did not explicitly state the use of host platforms. However, Waters's system does utilize host computers. Since the inventions encompass the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system provided by DeSimone by adding the use of host platforms as provided by Waters. This would make sense because it would allow for greater flexibility in management of the client terminals.

Thereby the combination of DeSimone and Waters discloses:

- <Claim 1>

  A distributed network computing environment, comprising: a plurality of clients communicating within a multicast cloud distributed network using content-specific date within messages to implement data routing and message culling in a groupware application (DeSimone, column 4, lines 47-54 and Waters, column 9, lines 59-63 and column 10, lines 11-67); and one or more network routing modules or router-embedded applets operative, in addition to normal packet-routing, to permit or inhibit the distribution of a particular message based upon the content of the message (DeSimone, column 4, lines 59-61 and column 5, lines 24-41).

- <Claim 3>

  The environment of claim 1, wherein the application is a client-selectable and controllable data service associated with the distribution of audio, video, or other digital signal streams (DeSimone, column 1, lines 26-34).

- <Claim 4>

  The environment of claim 1, wherein the clients enter, leave, and interact with the cloud through a lobby manager (DeSimone, column 5, lines 5-23).

- <Claim 5>

  The environment of claim 4, wherein the lobby manager is further operative to validate the application in terms of compatibility and download data to correct for deficiencies (DeSimone, column 7, line 59 through column 8, line 12).

- <Claim 6>

  The environment of claim 4, wherein the lobby manager is further operative to simultaneously support multiple clouds through multicast or replicated unicast protocols (DeSimone, column 3, lines 27-36).

- <Claim 7>

  The environment of claim 1, wherein the routing modules implement application-specific message culling to reduce client-cloud communications (Waters, column 9, lines 59-63).

- <Claim 8>

  The environment of claim 7, wherein the message culling includes message omission, rerouting, and other quality-of-service modifications (Waters, column 10, lines 36-50).

- <Claim 9>

  The environment of claim 7, wherein the application communicates internal state changes into the cloud through an API (DeSimone, column 2, lines 15-20).

- <Claim 11>

  A distributed network computing environment, comprising: a network-enabled client application (DeSimone, column 4, lines 47-54); at least one lobby manager that facilitates communications between the client application and a federation (DeSimone, column 5, lines 5-23); and one or more network routing modules or router-embedded applets operative, in addition to normal packet-routing, to permit or inhibit the distribution of a particular message based upon the content of the message to reduce the communications with the federation (DeSimone, column 4, lines 59-61 and column 5, lines 24-41 and Waters, column 9, lines 59-63 and column 10, lines 11-67).

- <Claim 14>

  The environment of claim 11, wherein the application is a client selectable and controllable data service (DeSimone, column 1, lines 26-34).

- <Claim 15>

  The environment of claim 14, wherein the data service includes audio, video, or other type of digital signal feed (DeSimone, column 1, lines 26-34).

- <Claim 16>

  The environment of claim 11, wherein the routing modules further support a point-to-multipoint distributed communications model between clients (DeSimone, column 5, lines 52-57).

- <Claim 17>

  The environment of claim 11, wherein: at least some of the client applications run on host platforms (Waters, column 17, lines 63-67); and the routing modules further support conventional internet packet routing among the hosts (Waters, column 19, lines 7-9).

- <Claim 18>

  The environment of claim 11, wherein the routing modules further support one or more conventional multicast protocols (DeSimone, column 6, lines 26-29).

- <Claim 19>

  The environment of claim 11, wherein the application communicates internal state changes into the federation through an API (DeSimone, column 2, lines 15-20).

- <Claim 20>

  The environment of claim 11, wherein the message culling includes message omission, rerouting, and other quality-of-service modifications (Waters, column 10, lines 36-50).

- <Claim 21>

  The environment of claim 11, wherein the lobby manager is further operative to validate the client application for compatibility with the federation and download data to correct for deficiencies (DeSimone, column 7, line 59 through column 8, line 12).

- <Claim 22>

  The environment of claim 11, wherein the lobby manager is further operative to simultaneous process multiple federations (DeSimone, column 3, lines 27-36).

- <Claim 23>

  The environment of claim 22, wherein the federations communicate through multicast or replicated unicast protocols (DeSimone, column 3, lines 27-36).

8> Since the combination of DeSimone and Waters discloses all of the above limitations, claims 1, 3-9, 11, and 14-23 are rejected.

9> Claims 2, 10, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeSimone in view of Waters, as applied above, further in view of Lambright et al. (U.S. Patent Number 6,015,348), hereinafter referred to as Lambright.

10> The combination of DeSimone and Waters disclosed a multicast capable IP network maintaining client terminals on a multimedia conference where the bandwidth loading of a multi-user application is reduced. In an analogous art, Lambright disclosed a distributed communication network for implementing a multi-player computer game. Just as with the inventions of DeSimone and Waters, Lambright focuses on a communication network for multi-user applications.

11> Concerning claims 2 and 10, the combination of DeSimone and Waters did not explicitly state the use of an application which was a simulation or game, or a system which would involve thousands of participants. However, Lambright does state that his multi-user application is a game and that it can be implemented for thousands of participants. In these

areas Lambright's relation to the present application has been admitted by the applicant. See the specification, page 5, first paragraph. Further, since the inventions of DeSimone, Waters, and Lambright encompass the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of DeSimone and Waters by adding the use of an application which was a simulation or game and the ability to reach thousands of participants as provided by Lambright. This would make sense because it would be an ideal utilization of the network for a different purpose, specifically online gaming.

Thereby, the combination of DeSimone, Waters, and Lambright discloses:

- <Claim 2>

  The environment of claim 1, wherein the application is a distributed simulation or game (Lambright, column 1, lines 14-21).

- <Claim 10>

  The environment of claim 1, wherein the application is a massive groupware application involving thousands of world-wide participants (Lambright, column 1, line 66 through column 2, line 2).

- <Claim 12>

  The environment of claim 11, wherein the application is a distributed simulation (Lambright, column 1, lines 27-33).

- <Claim 13>

  The environment of claim 11, wherein the application is a game (Lambright, column 1, lines 14-21).

12> Since the combination of DeSimone, Waters, and Lambright discloses all of the above limitations, claims 2, 10, 12, and 13 are rejected.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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SUPERVISORY PATENT EXAMINER
10/19/07